
Semos	Solomon	Truan	Williams
Shannon	Spurlock	Tupper	Williamson
Sherman	Stewart	Uher	Wolff
Short	Stroud	Vale	Wyatt
Silber	Swanson	Von Dohlen	
Simmons	Tarbox	Ward	
Slider	Traeger	Wayne	

Absent

Cobb	Ligarde	Orr	Smith
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Absent-Excused

Braun	Haynes	Jones, D.	Nugent, J.
Caldwell	Hendricks	Jungmichel	Slack
Cruz	Holmes, Z.	Murray	Wieting

Mr. Hubenak moved to reconsider the vote by which HB 971 was passed and to table the motion to reconsider.

The motion to table prevailed.

INTRODUCTION OF HB 1657

Mr. Hale asked unanimous consent to introduce and have placed on first reading HB 1657.

There was no objection offered.

HB 1657—ORDERED NOT PRINTED

On motion of Mr. Hale, HB 1657 was ordered not printed on First Printing.

ADJOURNMENT

Mr. Johnson moved that the House adjourn until 11:00 a.m. next Monday.

The motion prevailed without objection.

The House accordingly, at 12:45 p.m., adjourned until 11:00 a.m. next Monday.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Highways and Roads has filed a favorable report on HB 615 and HB 936.

FORTY-NINTH DAY—MONDAY, APRIL 5, 1971

The House met at 11:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Doyle	Kubiak	Rosson
Adams	Dramberger	Lee	Salem
Agnich	Farenthold	Lemmon	Salter
Allen, Joe	Finck	Lewis	Sanchez
Allen, John	Finnell	Ligarde	Santiesteban
Allred	Finney	Lombardino	Schulle
Angly	Floyd	Longoria	Semos
Atwell	Foreman	Lovell	Shannon
Atwood	Gammage	McAllister	Sherman
Baker	Garcia	McKissack	Short
Bass, T.	Golman	Moncrief	Silber
Beckham	Grant	Moore, A.	Simmons
Bigham	Graves	Moore, G.	Slack
Blanton	Hanna, Joe	Moore, T.	Slider
Blythe	Hannah, John	Moreno	Smith
Bowers	Harding	Murray	Solomon
Boyle	Harris	Nabers	Spurlock
Braecklein	Hawkins	Nelms	Stewart
Braun	Hawn	Neugent, D.	Stroud
Burgess	Haynes	Newton	Swanson
Bynum	Head	Nichols	Tarbox
Caldwell	Hendricks	Niland	Truan
Calhoun	Hilliard	Nugent, J.	Tupper
Cates	Holmes, T.	Ogg	Uher
Cavness	Holmes, Z.	Orr	Vale
Christian	Howard	Parker, C.	Von Dohlen
Clark	Hubenak	Parker, W.	Ward
Clayton	Hull	Patterson	Wieting
Cobb	Johnson	Pickens	Williams
Cole	Jones, D.	Poerner	Williamson
Craddick	Jones, G.	Poff	Wolff
Daniel	Jungmichel	Presnal	Wyatt
Davis, D.	Kaster	Price	
Davis, H.	Kilpatrick	Reed	
Denton	Kost	Rodriguez	

Absent

Bass, B.	Cruz	Hale	Traeger
Carrillo	Earthman	Mengden	

Absent-Excused

Coats	Heatly	Jones, E.	Wayne
Doran	Ingram		

(Mr. Schulle occupied the Chair temporarily)

(Speaker in the Chair)

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. Edmund Jones, temporarily for today, on motion of Mr. Bowers.

Mr. Coats, for today and the remainder of the week, on motion of Mr. Wyatt.

Mr. Ingram on motion of Mr. Boyle.

The following Members were granted leaves of absence for today on account of illness:

Mr. Heatly on motion of Mr. Slack.

Mr. Doran on motion of Mr. Floyd.

Mr. Wayne on motion of Mr. McAlister.

Representatives Traeger and Earthman entered the House and were announced present.

MESSAGE FROM THE SENATE

Austin, Texas, April 5, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SCR 68 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 27 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 94, By Shannon: Granting either House permission to adjourn from Wednesday, April 7, 1971, to Tuesday, April 13, 1971.

SCR 69, By Bates, et al: Regretting Lieutenant William L. Calley, Jr.'s conviction by court-martial jury and requesting his full pardon.

SJR 39, By Kennard: Amending the Constitution of the State of Texas which would provide for the sale of bonds by the Parks and Wildlife Department and/or the Veterans Land Board at an increased weighted average interest rate not to exceed six percent, etc.

The Senate Conferees for HB 43 are Senators Hightower, Blanchard, Herring, Mauzy, and Aikin.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

Representative Carrillo entered the House and was announced present.

BILLS AND A RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills and a resolution:

HB 343, Adopting the Water Code.

SB 223, Authorizing the transfer of funds currently appropriated to the State Securities Board.

SCR 68, Relating to the correction of the enrolled copy of SB 333.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

HSR 311, by Lewis: In memory of Glenn Maurice Goodnight.

Representatives Hale and Mengden entered the House and were announced present.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 293, by Nelms and Clark: Congratulating the Texas Hot Shots.

On motion of Mr. Clark the names of all the Members of the House were added to HSR 293 as signers thereof.

HSR 312, by Murray: Welcoming Law Enforcement Explorers Post No. 396, Harlingen, Texas.

On motion of Mr. Wieting the names of all the Members of the House were added to HSR 312 as signers thereof.

HSR 313, by Ogg: Congratulating the members of the 1970 Longhorn team.

INTRODUCTION OF HOUSE BILLS

Mr. Smith asked unanimous consent to introduce and have placed on first reading HB 1662, HB 1663, HB 1664, HB 1665, and HB 1666.

There was no objection offered.

Mr. Tarbox asked unanimous consent to introduce and have placed on first reading HB 1667.

There was no objection offered.

MOTION TO INTRODUCE A HOUSE BILL

Mr. Jim Nugent asked unanimous consent to introduce and have placed on first reading a House Bill.

There was objection offered.

Mr. Jim Nugent then requested to be granted permission to introduce a House Bill.

A record vote was requested.

The request to introduce a House Bill was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—107

Adams	Doyle	Kaster	Presnal
Agnich	Dramberger	Kost	Price
Allen, John	Farenthold	Kubiak	Reed
Angly	Finck	Lemmon	Rosson
Atwell	Finnell	Lewis	Salem
Atwood	Floyd	Ligarde	Salter
Baker	Foreman	Lombardino	Sanchez
Beckham	Gammage	Longoria	Santiesteban
Bigham	Garcia	Lovell	Schulle
Blanton	Golman	McAlister	Shannon
Boyle	Grant	McKissack	Short
Braun	Graves	Moncrief	Silber
Burgess	Harding	Moore, A.	Simmons
Bynum	Harris	Moore, T.	Slider
Caldwell	Hawkins	Moreno	Spurlock
Carrillo	Hawn	Murray	Swanson
Cates	Haynes	Nabers	Tarbox
Cavness	Hendricks	Nelms	Traeger
Christian	Hilliard	Neugent, D.	Tupper
Clark	Holmes, T.	Newton	Uher
Clayton	Howard	Nichols	Von Dohlen
Cobb	Hubenak	Niland	Ward
Cole	Hull	Nugent, J.	Wieting
Cruz	Johnson	Parker, C.	Williams
Daniel	Jones, D.	Parker, W.	Wolff
Davis, H.	Jones, G.	Pickens	Wyatt
Denton	Jungmichel	Poerner	

Nays—29

Allred	Bowers	Craddick	Finney
Bass, T.	Braecklein	Davis, D.	Hale
Blythe	Calhoun	Earthman	Hanna, Joe

Head	Moore, G.	Semos	Vale
Holmes, Z.	Ogg	Sherman	Williamson
Kilpatrick	Orr	Smith	
Lee	Poff	Solomon	
Mengden	Rodriguez	Truan	

Absent

Allen, Joe	Hannah, John	Slack	Stroud
Bass, B.	Patterson	Stewart	

Absent-Excused

Coats	Heatly	Jones, E.	Wayne
Doran	Ingram		

RELATIVE TO APPROPRIATIONS BILL

Mr. Finck raised a point of order that Rule 19, Section 4 of the House Rules had been violated in that the appropriations bill was not reported out of committee during the first 70 calendar days of the session.

The Speaker sustained the point of order.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

HSR 316, by Speaker Mutscher: In memory of Mrs. Frank J. Becker.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 314, by Kubiak: Commending John Walter Baker.

HCR 104—REFERRED TO COMMITTEE

(Granting Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, permission to sue the state.)

Mr. Niland offered the following resolution:

HCR 104

Whereas, Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, allege that they own land adjacent to Interstate Highway 10 and Americas Avenue in El Paso County, Texas (the official name of Avenue of Americas was changed to Americas Avenue by action of the proper authorities in early March of this year); and

Whereas, Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, allege that they own the right of access from their said property onto the abutting or adjacent outer frontage roads of said Interstate Highway 10 and Americas Avenue; and

Whereas, Independent Utilities Corporation and Domecello, Inc., allege that they own a road and utility easement across said Americas Avenue and/or Loop 375; and

Whereas, Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, allege that the State of Texas has, through the action of the State Highway Department of the State of Texas, constructed railing along the side of said abutting or adjacent outer frontage roads of said Interstate Highway 10 and Americas Avenue, thereby materially and substantially impairing the access from the property of the said Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, onto said abutting or adjacent outer frontage roads of Interstate Highway 10 and Americas Avenue; and

Whereas, Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, allege that their said property has been damaged by such impairment of access; and

Whereas, Independent Utilities Corporation and Domecello, Inc., allege that they have been damaged by the taking, by the state, without compensation of their road and utility easement of record in the deed records of El Paso County, Texas, and being across the roadway condemned by the State of Texas in connection with the extension of Loop 375 and/or the Americas Avenue; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That (1) Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, Independent Utilities Corporation, and Domecello, Inc., are granted permission to sue the State of Texas and the State Highway Department of the State of Texas in any court of competent jurisdiction for any relief to which they may be entitled under the law arising from the allegations stated in this resolution or any allegations necessarily connected with them;

(2) In the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas and upon the Chairman of the State Highway Commission; and

(3) The suit shall be tried as other civil suits; and, be it further

Resolved, That nothing in the resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further

Resolved, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

MASCOT RESOLUTIONS

The following Mascot Resolutions were referred to the Committee on House Administration:

HSR 309, by John Hannah: Naming Thomas Houston Daniel Mascot of the House.

HSR 310, by Price: Naming Bryan Ingram and Alice Ann Ingram Mascots of the House.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

By Burgess:

HB 1654, A bill to be entitled An Act relating to the levying, assessment, equalization, and collection of maintenance taxes in certain common school districts; and declaring an emergency.

Referred to Committee on School Districts.

By Nabers:

HB 1655, A bill to be entitled An Act relating to allowances for traveling expenses and automobile depreciation of members of the commissioners court in connection with the use of privately-owned automobiles for traveling on official business within the county in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Salem and Hale:

HB 1656, A bill to be entitled An Act granting to the City of Corpus Christi, the United States Corps of Engineers, and their duly authorized agents and contractors, a construction easement for the purpose of conducting dredging, filling, excavation and all other necessary operations in furtherance of the purpose of the restoration of an area commonly known as Corpus Christi Beach, and more particularly described herein, on land which belongs to the State of Texas or which the state has title or interest, providing a repealing clause; providing a severability clause; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Hale:

HB 1657, A bill to be entitled An Act amending and reenacting Title 3, Texas Education Code, a nonsubstantive revision of the higher education laws of this state; repealing the statutes replaced by the code; and declaring an emergency.

Referred to Committee on Higher Education.

By Price:

HB 1658, A bill to be entitled An Act relating to deer season in a portion of Cherokee County; amending Section 1, Chapter 409, Acts of the 60th

Legislature, Regular Session, 1967, as amended by Chapter 629, Acts of the 61st Legislature, Regular Session, 1969; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Daniel:

HB 1659, A bill to be entitled An Act to amend Chapter 57, Acts of the Forty-first Legislature, Regular Session, 1929, as amended, by adding Section 5-B, to provide a means by which building lines can be established on highways and roads in Montgomery County; providing for the enforcement of the provisions of the Act; providing a severability clause; and declaring an emergency.

Referred to Committee on Counties.

By Gammage:

HB 1660, A bill to be entitled An Act relating to the creation and jurisdiction of municipal courts in certain cities and the election of municipal judges; repealing laws in conflict; providing for severability; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Gammage:

HB 1661, A bill to be entitled An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as La Porte Utility District; defining its boundaries and finding their closure; finding benefits to the land and other property in the district; prescribing its rights, powers, privileges and duties; providing that no confirmation election shall be required; providing for its governing body; authorizing the levy and assessment of taxes and adopting the ad valorem basis of taxation; authorizing the issuance and refunding of bonds and prescribing their terms and security; authorizing the investment of bond proceeds; prescribing the procedure for annexing land; providing that no exclusion hearing shall be required except under certain circumstances; requiring supervision by the Texas Water Rights Commission; requiring the district to establish an office; providing for the selection of a depository; requiring audits and a system of accounts; containing provisions that its bonds are legal investments and eligible to secure public deposits; providing that except for its creation the district shall be subject to the provisions of Article 970a and subject to the provisions of Article 1182c-1, Vernon's Texas Civil Statutes; providing that the district shall bear the sole expense of the relocation of certain facilities; containing other provisions relating to the subject; providing that the district's properties shall not be subject to taxation; providing a severability clause; finding of notice of intention to introduce this Act; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

SENATE BILLS ON FIRST READING

The following Senate Bills were today laid before the House, read first time and referred to Committees, as follows:

SB 524 to the Committee on State Affairs.

SB 466 to the Committee on Banks and Banking.

SB 465 to the Committee on Banks and Banking.

SB 460 to the Committee on Revenue and Taxation.

SB 230 to the Committee on Governmental Affairs and Efficiency.

SB 125 to the Committee on Judiciary.

SB 229 to the Committee on Conservation and Reclamation.

SB 72 to the Committee on Counties.

SB 132 to the Committee on Judiciary.

INTRODUCTION OF HB 1668

Mr. Burgess asked unanimous consent to introduce and have placed on first reading HB 1668.

There was no objection offered.

LEAVES OF ABSENCE GRANTED

By unanimous consent the following Members were granted leaves of absence on March 31, 1971 and April 1, 1971 to attend a meeting in Washington, D.C., with the Congressional Delegation on Redistricting:

Mr. Delwin Jones, Mr. Jim Nugent, Mr. Menton Murray, Mr. Charles Jungmichel, Mr. Leroy Wieting, Mr. Dick Slack, and Mr. Clyde Haynes.

HB 266 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House as postponed business on its passage to engrossment,

HB 266, Amending subject matter of Texas Unemployment Compensation Act, etc.

Representative Bill Bass entered the House and was announced present.

HB 266—(Consideration continued)

The bill was read second time on March 30, 1971, and postponed until 11:00 a.m. today.

Mr. Clayton offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 2 of HB 266 by striking the portion which reads: "Sec.

2. The Texas Unemployment Compensation Act, as amended (Articles 5221b-1 et seq., Vernon's Texas Civil Statutes), is amended by adding a Section 4-A to read as follows:" and substitute therefor the following: "Sec. 2. The Texas Unemployment Compensation Act, as amended (Articles 5221b-2 et seq., Vernon's Texas Civil Statutes), is amended by adding a Section 4-A to read as follows:"

The committee amendment was adopted without objection.

Mr. Clayton offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend Section 4 of HB 266 by striking the portion which reads: "Sec. 4. The Texas Unemployment Compensation Act, as amended (Articles 5221b-1 et seq., Vernon's Texas Civil Statutes) is amended by adding a Section 6-A to read as follows:" and substitute therefor the following: "Sec. 4. The Texas Unemployment Compensation Act, as amended (Article 5221b-4a, Vernon's Texas Civil Statutes) is amended to read as follows:"

The committee amendment was adopted.

Mr. Clayton offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend Section 5 of HB 266 by striking Section 5 and substituting in lieu thereof the following:

"Sec. 5. Paragraph 1 and Paragraph 5 of Subsection (c), Section 7, Texas Unemployment Compensation Act, as amended (Article 5221b-5, Vernon's Texas Civil Statutes), are amended to read as follows:

"(1) Each employer's contribution rate shall be two and seven-tenths percent (2.7%) until his account has been chargeable with benefits throughout each calendar month of the four (4) consecutive calendar quarters immediately preceding the date as of which such employer's rate is determined. The contribution rate of each employer who has had at least four (4) such calendar quarters of compensation experience shall be determined as provided below; except that the contribution rate of any employing unit which becomes an employer for the first time during the calendar year 1972, other than one which first becomes an employer because of the provisions of subsection 19(f)(2) of this Act, shall be one percent (1%) rather than two and seven-tenths percent (2.7%) until such time as his account has been chargeable with benefits for four (4) consecutive calendar quarters and an experience rate is computed for him in accordance with this Act.

"(5) The replenishment ratio for a calendar year is a quotient, stated to the nearest hundredth, derived from the following numerator and denominator.

"The numerator of the replenishment ratio shall be the total amount of benefits paid from the Unemployment Compensation Fund during the twelve (12) months ending September 30, of the preceding year, that are based on wage credits from taxed employers, less for the same period:

"(A) the total amount of refunds of regular benefits that were based

on wage credits from taxed employers and fifty percent (50%) of the refunds of extended benefits that were based on wage credits from taxed employers, and

"(B) the total amount of regular benefit warrants canceled that were based on wage credits from taxed employers and fifty percent (50%) of the extended benefit warrants canceled that were based on wage credits from taxed employers, and

"(C) fifty percent (50%) of the extended benefits paid that were based on wage credits from taxed employers.

"The denominator of the replenishment ratio shall be the total amount of chargebacks to the accounts of all taxed employers during the twelve (12) months ending September 30, of the preceding year.

"The replenishment ratio for each calendar year shall be determined prior to the due date of the first contribution payment with respect to wages for employment paid in that year and such replenishment ratio thus determined shall not be affected or revised by virtue of any subsequent adjustment of any chargebacks of any employer."

The committee amendment was adopted.

Mr. Harris offered the following amendment to the bill:

Amend section 3 of HB 266 so that the first sentence therein reads as follows:

"Subsection (g), section 5, Texas Unemployment Compensation Act, as amended, is hereby repealed and subsections (a) and (f), section 5, Texas Unemployment Compensation Act, as amended (Article 5221b-3, Vernon's Texas Civil Statutes), are amended to read as follows:"

and by deleting therefrom proposed subsection (g).

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—107

Adams	Boyle	Davis, H.	Harding
Agnich	Braecklein	Doyle	Hawkins
Allen, John	Burgess	Dramberger	Hawn
Angly	Bynum	Earthman	Head
Atwell	Calhoun	Finck	Hendricks
Atwood	Cates	Finnell	Hilliard
Baker	Cavness	Finney	Holmes, T.
Bass, B.	Christian	Floyd	Howard
Beckham	Clayton	Foreman	Hubenak
Bigham	Cobb	Garcia	Hull
Blanton	Cole	Golman	Jones, D.
Blythe	Craddick	Grant	Jones, E.
Bowers	Davis, D.	Hanna, Joe	Jones, G.

Jungmichel	Moncrief	Poerner	Slack
Kaster	Moore, A.	Presnal	Slider
Kilpatrick	Moore, G.	Price	Solomon
Kost	Moore, T.	Rosson	Spurlock
Kubiak	Murray	Salter	Tarbox
Lee	Nabers	Sanchez	Traeger
Lemmon	Newton	Santiesteban	Tupper
Lewis	Niland	Schulle	Uher
Ligarde	Nugent, J.	Semos	Von Dohlen
Lombardino	Ogg	Shannon	Ward
Lovell	Orr	Sherman	Wieting
McAlister	Parker, W.	Short	Williamson
McKissack	Patterson	Silber	Wolff
Mengden	Pickens	Simmons	

Nays—36

Allen, Joe	Farenthold	Longoria	Salem
Allred	Gammage	Moreno	Smith
Bass, T.	Graves	Nelms	Stewart
Braun	Hale	Neugent, D.	Stroud
Caldwell	Hannah, John	Nichols	Swanson
Carrillo	Harris	Parker, C.	Truan
Clark	Haynes	Poff	Vale
Cruz	Holmes, Z.	Reed	Williams
Denton	Johnson	Rodriguez	Wyatt

Absent

Daniel

Absent-Excused

Coats	Heatly	Ingram	Wayne
Doran			

(Mr. Williamson in the Chair)

Mr. Harris offered the following amendment to the bill:

Amend Section 3 of HB 266 as it proposes to amend subsection (a) of section 5, Texas Unemployment Compensation Act, as amended, so that the proposed Subsection (a) reads as follows:

“(a) If the Commission finds that he has left his last work voluntarily without good cause connected with his work. Such disqualification shall be for not less than one (1) nor more than thirteen (13) benefit periods following the filing of a valid claim, as determined by the Commission according to the circumstances in each case.”

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—100

Agnich	Earthman	Kost	Price
Allen, John	Finck	Kubiak	Rosson
Angly	Finnell	Lee	Salem
Atwell	Finney	Lemmon	Salter
Atwood	Floyd	Lewis	Sanchez
Baker	Foreman	Lombardino	Schulle
Blanton	Garcia	McAlister	Semos
Blythe	Golman	McKissack	Shannon
Bowers	Grant	Mengden	Sherman
Boyle	Hanna, Joe	Moncrief	Short
Braecklein	Harding	Moore, A.	Silber
Burgess	Hawkins	Moore, G.	Simmons
Bynum	Hawn	Murray	Slack
Calhoun	Head	Nabers	Slider
Cates	Hilliard	Newton	Solomon
Cavness	Holmes, T.	Niland	Spurlock
Christian	Howard	Nugent, J.	Swanson
Clayton	Hubenak	Ogg	Tarbox
Cobb	Hull	Orr	Traeger
Cole	Jones, D.	Parker, W.	Tupper
Craddick	Jones, E.	Patterson	Uher
Davis, D.	Jones, G.	Pickens	Ward
Davis, H.	Jungmichel	Poerner	Wieting
Doyle	Kaster	Poff	Wolff
Dramberger	Kilpatrick	Presnal	Wyatt

Nays—42

Adams	Cruz	Holmes, Z.	Reed
Allen, Joe	Daniel	Johnson	Rodriguez
Allred	Denton	Ligarde	Santiesteban
Bass, B.	Farenthold	Longoria	Smith
Bass, T.	Gammage	Lovell	Stewart
Beckham	Graves	Moore, T.	Stroud
Bigham	Hale	Moreno	Truan
Braun	Hannah, John	Nelms	Vale
Caldwell	Harris	Neugent, D.	Williams
Carrillo	Haynes	Nichols	
Clark	Hendricks	Parker, C.	

In The Chair

Williamson

Absent

Von Dohlen

Absent-Excused

Coats	Heatly	Ingram	Wayne
Doran			

MESSAGE FROM THE SENATE

Austin, Texas, April 5, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 70, By Hall: Permitting consideration of Local and Uncontested Calendars on any day.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HB 266—(Consideration continued)

Mr. Harris offered the following amendment to the bill:

Amend section 10 of HB 266 as it proposes to amend subsection (f), section 19, Texas Unemployment Compensation Act, as amended, so that paragraph (3) of proposed subsection (f) reads as follows:

"(3) Any employing unit which is a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of such Code and which on each of some twenty (20) days during the current calendar year or during the preceding calendar year, each day being in a different calendar week, employed one (1) or more individuals in employment for some portion of the day;"

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—94

Agnich	Clayton	Harding	Lovell
Allen, John	Cobb	Hawkins	McAlister
Angly	Cole	Hawn	McKissack
Atwell	Craddick	Hendricks	Mengden
Atwood	Davis, D.	Hilliard	Moncrief
Baker	Davis, H.	Holmes, T.	Moore, A.
Beckham	Doyle	Howard	Moore, G.
Blanton	Dramberger	Hubenak	Murray
Blythe	Earthman	Hull	Nabers
Bowers	Finck	Jones, D.	Neugent, D.
Boyle	Finnell	Jones, E.	Newton
Braecklein	Finney	Jones, G.	Niland
Burgess	Floyd	Jungmichel	Nugent, J.
Bynum	Foreman	Kaster	Ogg
Calhoun	Garcia	Kilpatrick	Orr
Cates	Golman	Lee	Parker, W.
Cavness	Grant	Lemmon	Patterson
Christian	Hanna, Joe	Ligarde	Pickens

Poerner	Sanchez	Slider	Uher
Poff	Semos	Solomon	Von Dohlen
Presnal	Shannon	Spurlock	Ward
Price	Sherman	Swanson	Wieting
Rosson	Short	Traeger	
Salter	Slack	Tupper	

Nays—48

Adams	Farenthold	Lewis	Schulle
Allen, Joe	Gammage	Lombardino	Silber
Allred	Graves	Longoria	Simmons
Bass, B.	Hale	Moore, T.	Smith
Bass, T.	Hannah, John	Moreno	Stewart
Bigham	Harris	Nelms	Stroud
Braun	Haynes	Nichols	Tarbox
Caldwell	Head	Parker, C.	Truan
Carrillo	Holmes, Z.	Reed	Vale
Clark	Johnson	Rodriguez	Williams
Cruz	Kost	Salem	Wolff
Denton	Kubiak	Santiesteban	Wyatt

In The Chair

Williamson

Absent

Daniel

Absent-Excused

Coats	Heatly	Ingram	Wayne
Doran			

(Speaker in the Chair)

Mr. Carl Parker offered the following amendment to the bill:

Amend Section 1 of HB 266 to read as follows:

"Section 3, Texas Unemployment Compensation Act, as amended (Article 5221b-1, Vernon's Texas Civil Statutes), is amended by amending subsections b and e and adding a Subsection (f) to read as follows:

(b) Benefit amount for total unemployment: Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-fifth (1/25) of his wages received from employment by employers during that quarter of his base period in which wages were highest, provided that:

(1) If such rate is not an even multiple of one dollar (\$1), it shall be adjusted to the next higher multiple of one dollar (\$1); and

(2) such rate shall not be less than fifteen dollars (\$15) per benefit period nor more than a dollar amount equal to sixty-six and two thirds percent (66⅔%) of the statewide average weekly wage paid in employment by employers for the immediately preceding fiscal year ending August

31 as determined from time to time by the Commission in the manner hereinafter prescribed, effective January 1 thereafter; provided, however, that effective January 1, 1972, such rate shall not be more than a dollar amount equal to sixty percent (60%) of the statewide average weekly wage paid in employment by employers for the fiscal year ending August 31, 1971.

On the first day of September of each year the Commission shall determine the average weekly wage of the immediately preceding fiscal year in the following manner:

(1) The sum of total monthly employment reported for the fiscal year shall be divided by twelve to determine the average monthly employment;

(2) the sum of the total wages reported for the previous fiscal year shall be divided by the average monthly employment to determine the average annual wage;

(3) the annual average wage shall be divided by fifty-two (52) to determine the average weekly wage.

(e) Benefit Wage Credits: 'Benefit wage credits' means those wages, as defined in this subsection of the Act, which are used to determine an individual's right to benefits. 'Wages' as used in this section shall be as defined in subsection (n) of section 19 of this Act, except that the four thousand two hundred dollar limitation on wages as set out in subsection (n)(1) of section 19 shall not be applicable for the purposes of this section 3 to remuneration received after December 31, 1971; provided that, for the purposes of this section 3, wages received by an individual in any calendar year after December 31, 1967, shall include all remuneration from each employer for employment up to the maximum amount of wages as defined in the Federal Insurance Contribution Act (section 3121, chapter 21, subtitle C, Internal Revenue Code of 1954), as amended, or as it may hereafter be amended. If an employer fails to report wages which were paid to a claimant during a base period when requested by the Commission, the Commission may establish wage credits for such claimant for such base period on the basis of the best information which has been obtained by the Commission.

(f) Equal Treatment: Benefits based on services for all employers in employment defined in subsection 19(f) shall be payable in the same amount, on the same terms, and subject to the same conditions; provided that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms."

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—84

Agnich	Davis, D.	Kost	Presnal
Allen, John	Davis, H.	Lee	Price
Angly	Earthman	Lemmon	Rosson
Atwell	Finck	Lombardino	Salter
Atwood	Finneil	McAlister	Schulle
Baker	Finney	McKissack	Semos
Blanton	Floyd	Mengden	Sherman
Blythe	Foreman	Moncrief	Short
Bowers	Golman	Moore, A.	Slack
Boyle	Harding	Moore, G.	Slider
Braecklein	Hawkins	Murray	Solomon
Burgess	Hawn	Nabers	Spurlock
Bynum	Hilliard	Newton	Tarbox
Calhoun	Holmes, T.	Niland	Traeger
Cates	Howard	Nugent, J.	Uher
Cavness	Hubenak	Ogg	Von Dohlen
Christian	Hull	Orr	Ward
Clayton	Jones, D.	Parker, W.	Wieting
Cobb	Jones, E.	Patterson	Williamson
Cole	Jones, G.	Pickens	Wolff
Craddick	Jungmichel	Poerner	Wyatt

Nays—59

Adams	Dramberger	Kilpatrick	Salem
Allen, Joe	Farenthold	Kubiak	Sanchez
Allred	Gammage	Lewis	Santiesteban
Bass, B.	Garcia	Ligarde	Shannon
Bass, T.	Grant	Longoria	Silber
Beckham	Graves	Lovell	Simmons
Bigham	Hale	Moore, T.	Smith
Braun	Hannah, John	Moreno	Stewart
Caldwell	Harris	Nelms	Stroud
Carrillo	Haynes	Neugent, D.	Swanson
Clark	Head	Nichols	Truan
Cruz	Hendricks	Parker, C.	Tupper
Daniel	Holmes, Z.	Poff	Vale
Denton	Johnson	Reed	Williams
Doyle	Kaster	Rodriguez	

Absent

Hanna, Joe

Absent-Excused

Coats	Heatly	Ingram	Wayne
Doran			

HB 266, as amended, was passed to engrossment.

Mr. Jim Nugent moved to reconsider the vote by which HB 266 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I did not vote on second reading for or against HB 266 because I am an employer and have a direct interest in the result.

Signed: Rex Braun

BILL SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bill:

SB 333, Authorizing certain governing boards of public junior colleges in certain districts to divide said districts into election districts; providing for election of a trustee, etc.

HB 1041 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 1041, Relating to Mental Health Services.

The bill was read third time and was passed by the following vote:

Yeas—130

Adams	Dramberger	Lee	Salter
Agnich	Farenthold	Lemmon	Sanchez
Allen, John	Finck	Lewis	Santiesteban
Angly	Finnell	Ligarde	Schulle
Atwell	Finney	Lombardino	Semos
Atwood	Floyd	Longoria	Shannon
Baker	Foreman	Lovell	Sherman
Bass, B.	Garcia	McAlister	Short
Bass, T.	Golman	McKissack	Silber
Beckham	Grant	Moncrief	Simmons
Bigham	Graves	Moore, A.	Slack
Blanton	Hale	Moore, G.	Slider
Boyle	Hanna, Joe	Moore, T.	Smith
Braecklein	Hannah, John	Moreno	Solomon
Braun	Harding	Murray	Spurlock
Burgess	Hawkins	Nabers	Stewart
Bynum	Hawn	Neugent, D.	Stroud
Caldwell	Haynes	Newton	Swanson
Calhoun	Head	Nichols	Tarbox
Carrillo	Hendricks	Niland	Traeger
Cates	Hilliard	Nugent, J.	Truan
Cavness	Holmes, T.	Ogg	Tupper
Christian	Holmes, Z.	Orr	Uher
Clayton	Howard	Parker, C.	Vale
Cobb	Hubenak	Parker, W.	Von Dohlen
Cole	Hull	Pickens	Ward
Craddick	Johnson	Poerner	Wieting
Cruz	Jones, D.	Poff	Williams
Daniel	Jones, G.	Presnal	Williamson
Davis, D.	Jungmichel	Price	Wolff
Davis, H.	Kaster	Reed	Wyatt
Denton	Kilpatrick	Rosson	
Doyle	Kost	Salem	

Nays—13

Allen, Joe	Clark	Kubiak	Rodriguez
Allred	Earthman	Mengden	
Blythe	Gammage	Nelms	
Bowers	Harris	Patterson	

Absent-Excused

Coats	Heatly	Jones, E.	Wayne
Doran	Ingram		

Mr. Slider moved to reconsider the vote by which HB 1041 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 423 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 423, Relating to outdoor music festivals, etc.

The bill was read third time and was passed by the following vote:

Yeas—130

Adams	Davis, H.	Jones, D.	Poerner
Agnich	Denton	Jones, G.	Poff
Allen, Joe	Doyle	Jungmichel	Presnal
Allen, John	Dramberger	Kaster	Price
Angly	Earthman	Kilpatrick	Rosson
Atwell	Farenthold	Kost	Salem
Atwood	Finck	Kubiak	Salter
Baker	Finnell	Lee	Sanchez
Bass, B.	Finney	Lemmon	Santiesteban
Bass, T.	Floyd	Lewis	Schulle
Beckham	Foreman	Ligarde	Semos
Bigham	Garcia	Lombardino	Shannon
Blanton	Golman	Lovell	Sherman
Blythe	Grant	McAlister	Short
Bowers	Hale	McKissack	Silber
Boyle	Hanna, Joe	Mengden	Simmons
Braecklein	Hannah, John	Moncrief	Slack
Braun	Harding	Moore, A.	Slider
Burgess	Harris	Moore, G.	Smith
Carrillo	Hawkins	Murray	Solomon
Cates	Hawn	Nabers	Spurlock
Cavness	Haynes	Nelms	Stewart
Christian	Head	Neugent, D.	Stroud
Clark	Hendricks	Newton	Swanson
Clayton	Hilliard	Niland	Tarbox
Cobb	Holmes, T.	Nugent, J.	Traeger
Cole	Holmes, Z.	Ogg	Truan
Craddick	Howard	Parker, C.	Tupper
Cruz	Hubenak	Parker, W.	Uher
Daniel	Hull	Patterson	Vale
Davis, D.	Johnson	Pickens	Von Dohlen

Ward Wieting	Williams Williamson	Wolff	Wyatt
Nays—10			
Allred Bynum Caldwell	Calhoun Gammage Graves	Longoria Moore, T. Nichols	Rodriguez
Absent			
Moreno	Orr	Reed	
Absent-Excused			
Coats Doran	Heatly Ingram	Jones, E.	Wayne

Mr. Tarbox moved to reconsider the vote by which HB 423 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

(Statement by Ben Bynum giving his reason for opposing HB 423 by Tarbox)

After careful study of this bill it is my opinion that it may well be unconstitutional. There has been no opinion on this matter by the Attorney General.

Signed: Ben Bynum

HB 188 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 188, Relating to sale of goods on both Saturday and Sunday.

The bill was read third time and was passed by the following vote:

Yeas—124

Adams	Bowers	Davis, D.	Hale
Agnich	Boyle	Davis, H.	Hanna, Joe
Allen, Joe	Braecklein	Denton	Hannah, John
Allen, John	Burgess	Doyle	Harding
Allred	Bynum	Dramberger	Hawkins
Angly	Calhoun	Earthman	Hawn
Atwell	Carrillo	Farenthold	Haynes
Atwood	Cates	Finck	Head
Baker	Cavness	Finnell	Hendricks
Bass, B.	Christian	Finney	Hilliard
Bass, T.	Clayton	Floyd	Holmes, T.
Beckham	Cobb	Foreman	Hubenak
Bigham	Cole	Garcia	Hull
Blanton	Cruz	Golman	Johnson
Blythe	Daniel	Grant	Jones, D.

Jones, G.	Moore, A.	Price	Spurlock
Jungmichel	Moore, G.	Rosson	Stewart
Kaster	Moore, T.	Salem	Swanson
Kilpatrick	Murray	Salter	Tarbox
Kost	Nabers	Santiesteban	Traeger
Kubiak	Neugent, D.	Schulle	Truan
Lee	Newton	Semos	Tupper
Lemmon	Niland	Shannon	Uher
Lewis	Nugent, J.	Sherman	Vale
Ligarde	Ogg	Short	Von Dohlen
Lombardino	Parker, C.	Silber	Ward
Longoria	Parker, W.	Simmons	Wieting
Lovell	Patterson	Slack	Williams
McAlister	Poerner	Slider	Williamson
McKissack	Poff	Smith	Wolff
Mengden	Presnal	Solomon	Wyatt

Nays—15

Caldwell	Graves	Moreno	Reed
Clark	Harris	Nelms	Rodriguez
Craddick	Holmes, Z.	Nichols	Stroud
Gammage	Moncrief	Pickens	

Present—Not Voting

Braun Howard

Absent

Orr Sanchez

Absent-Excused

Coats	Heatly	Jones, E.	Wayne
Doran	Ingram		

Mr. Sherman moved to reconsider the vote by which HB 188 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I did not vote on second reading for or against HB 188 because I am an employer and have a direct interest in the result.

Signed: Rex Braun

HB 156 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 156, Creating Texas Cosmetology Commission.

The bill was read third time.

Representative Edmund Jones entered the House and was announced present.

HB 156—(Consideration continued)

Mr. Traeger offered the following amendment to the bill:

Amend HB 156, 2nd printing by deleting line 20 on page 11 and substituting the following:

(2) operator license—\$5

and deleting line 24 and substituting the following:

(6) beauty shop license—\$10

The amendment was adopted.

HB 156, as amended, was passed.

Mr. Golman moved to reconsider the vote by which HB 156 was passed and to table the motion to reconsider.

The motion to table prevailed.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

HSR 318, by Jungmichel: In memory of Josephine Modesett Farr.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 317, by Heatly: Sending greetings to Charles C. Ford.

ADJOURNMENT

Mr. Hale moved that the House adjourn until 10:00 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 1:10 p.m., adjourned until 10:00 a.m. tomorrow.

APPENDIX

BILL TRANSMITTED TO GOVERNOR UNDER ARTICLE 16,
SECTION 59

HB 1661 transmitted by the Chief Clerk to the Governor on April 1, 1971.

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Banks and Banking: HB 661.

Conservation and Reclamation: HB 1107, HB 1108, HB 1109, HB 1119.

Counties: HB 53, HB 132, HB 292, HB 352, HB 364, HB 387, HB 417, HB 446, HB 449, HB 451, HB 505, HB 625, HB 645, HB 692, HB 1162, HB 1175, SB 49.

Elections: HB 450.

Engrossed and Enrolled Bills: Correctly engrossed—HB 19, HB 30, HB 83, HB 156, HB 175, HB 188, HB 190, HB 259, HB 290, HB 368, HB 420, HB 423, HB 441, HB 483, HB 491, HB 492, HB 494, HB 496, HB 524, HB 555, HB 586, HB 620, HB 655, HB 722, HB 824, HB 926, HB 955, HB 971, HB 988, HB 989, HB 1041, HCR 58, HCR 96, HCR 102.

Judiciary: HB 16.

Motor Transportation: HB 759, HB 900.

Revenue and Taxation: HB 752.

State Affairs: HB 749, HB 817.

Urban Affairs: SB 212.

SENT TO THE GOVERNOR
April 5, 1971

HB 343

FIFTIETH DAY—TUESDAY, APRIL 6, 1971

The House met at 10:00 a.m. and was called to order by the Honorable Tommy Shannon.

The roll of the House was called and the following Members were present:

Adams	Blythe	Cole	Floyd
Agnich	Bowers	Craddick	Foreman
Allen, Joe	Boyle	Cruz	Gammage
Allen, John	Braecklein	Daniel	Grant
Allred	Burgess	Davis, D.	Graves
Atwell	Bynum	Davis, H.	Hale
Atwood	Calhoun	Denton	Hanna, Joe
Baker	Carrillo	Doyle	Hannah, John
Bass, B.	Cates	Dramberger	Harding
Bass, T.	Cavness	Earthman	Harris
Beckham	Christian	Farenthold	Hawkins
Bigham	Clark	Finck	Hawn
Blanton	Cobb	Finnell	Haynes